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09/876,198

06/06/2001

Tom McGee

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SHANG, ANNAN Q

ART UNIT

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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/876,198
Filing Date: June 06, 2001
Appellant(s): MCGEE ET AL.

MAILED

OCT 05 2007

Technology Center 2600

Yan Glickberg
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/25/07 appealing from the Office action
mailed 01/22/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,177,931	ALEXANDER ET AL.	1-2001
6,100,941	DIMITROVA ET AL.	8-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 8, 10-14, 18, 20 and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by **Alexander et al (6,177,931)**. This rejection is set forth in a prior Office Action, mailed on 01/22/07.

Claims 5-7, 9, 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** and in view of **Dimitrova et al (6,100,941)**. This rejection is set forth in a prior Office Action, mailed on 01/22/07.

(10) Response to Argument

As to Appellant's arguments that the rejection of claims 1-4, 8, 10-14, 18, 20 and 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander is not well founded because Alexander does not meet the recited claim limitations, "...obtaining a first and second values respectively representing characteristics data of the at least one program at start and end times from the program, storing the values in the catalog..." (see page labeled 5 of 18+ of Appellant's Arguments).

In response, Examiner respectfully disagrees. Examiner notes Appellant's arguments, however, Alexander teaches a Television Receiver (TVR) 10 or 24, which obtains and stores in a RAM or EPG database, data packets of EPG or Schedule information representing characteristics data (program name, channel, date, start time, end time, duration, etc.) of at least one program. TVR-10 or EPG microprocessor monitors the data packets on in real-time or on an ongoing basis and an automatically

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changes as to the start time and end time of recording of a program on a recording medium (col.3, lines 3-20, col.5, lines 5-15, col.19, lines 13-29 and col.33, line 44-65). Alexander further teaches that TVR-10 or EPG microprocessor monitors the packets of EPG data received for changes in the schedule information (date, start time/end time, duration, etc.) and upon receiving a packet of scheduling updates (second value representing characteristics data of at least one program), the microprocessor compares these values to determine the appropriate recording duration (or start time/end time) for recording the program and automatically updates the recording list to meet these changes (col.11, line 63-col.12, line 9, line 53-col.13, line 13). When a user selects to record a program(s) (in-progress or scheduled to be broadcast) the EPG microprocessor automatically updates any scheduling changes to record the program(s) and records the program(s) accordingly based on the changes (col.11, line 63-col.12, line 9, line 53-col.13, line 13). Furthermore the data packets transmitted in the VBI, including data packets representing changes as to the program schedule are parts of the TV program. With respect to claims 8 and 10, Alexander teaches that recording of program(s) can be done using audio content, such as changes in tone, etc, to index or record program(s) accordingly (col.12, lines 30-43). With respect to claims 22-25, the EPG microprocessor program upon receiving the data packet as to changes in the scheduling of program(s), compares the characteristics data and determines a TRUE or FALSE logic based on a comparison of the characteristic data related the program to be recorded and updates the changes if necessary. Hence the 102(e) rejection of claims 1-

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4, 8, 10-14, 18, 20 and 22-25 is proper, meets all the claim limitations and should be sustained.

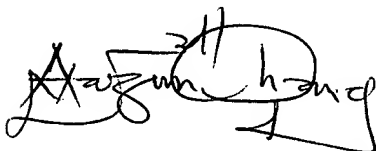
With respect to claims 5-7, 9, 15-17 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over **Alexander et al (6,177,931)** and further in view of **Dimitrova et al (6,100,941)**, (not Bates et al US 6,721,953 as stated in the heading of the 103(a) rejection of claims 5-7, 9, 15-17 and 19 by Appellant), the claims depend on independent claims 1 and 11. As discussed in the office action, Alexander is silent as to where at least one of the first value and the second value representing characteristics data gathered from the at least one program is signature generated by using a combination of features from a frame of the at least one program, including signatures extracted from DCT and generating characteristics data from the at least one program is a color histogram generated from a frame of at least one program and generating from closed captioning data from the frame of the program. However these deficiencies in Alexander are disclosed in Dimitrova. Hence the rejection is proper, meets all the claim limitations and should be sustained.

(11) Related Proceeding(s) Appendix

None

For the above reasons, it is believed that the rejections should be sustained.

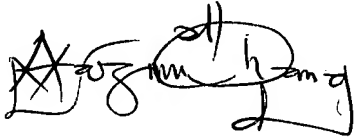
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized, cursive script.

Annan Q. Shang

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Conferees:




Annan Q. Shang

Chris S Kelley



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Vivek Srivastava



VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

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P. O. BOX 3001

BRIARCLIFF MANOR, NY 10510